

# Public Document Pack



## AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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Date Not Specified

### LICENSING COMMITTEE

A meeting of the **Licensing Committee** will be held at **10.00 am on Monday 4 July 2016** in **The Olympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: Alice Fisher; [afisher@aylesburyvaledc.gov.uk](mailto:afisher@aylesburyvaledc.gov.uk);

**Membership:** Councillors: J Brandis (Chairman), M Hawket (Vice-Chairman), P Cooper, A Harrison, A Huxley, S Lambert, T Mills, G Powell, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. MINUTES (Pages 3 - 8)**

To approve as correct records the Minutes of the meetings held on 9 and 18 May 2016 attached as an appendix.

**4. DECLARATIONS OF INTEREST**

Members to declare any interests.

**5. REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY (Pages 9 - 36)**

**6. REVIEW OF DELEGATIONS RELATING TO TAXI AND PRIVATE HIRE LICENSING MATTERS (Pages 37 - 38)**

**7. THE INTRODUCTION OF AN ADDITIONAL CONDITION TO THE STREET TRADING CONSENT HELD BY PAULA'S PETALS (Pages 39 - 42)**



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# Agenda Item 3

## LICENSING COMMITTEE

18 MAY 2016

**PRESENT:** Councillors J Bloom, J Brandis, P Cooper, A Harrison, M Hawkett, A Huxley, T Mills, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

**APOLOGIES:** Councillors S Lambert and G Powell.

### 1. ELECTION OF CHAIRMAN

RESOLVED –

That Councillor Mrs Brandis be elected Chairman of the Committee for the ensuing year.

### 2. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED –

That Councillor Hawkett be appointed Vice-Chairman of the Committee for the ensuing year.

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## Licensing Committee

9 MAY 2016

**PRESENT:** Councillor J Brandis (Chairman); Councillors M Hawkett (Vice-Chairman), P Cooper, A Harrison, A Huxley, T Mills, G Powell, S Renshell and B Russel

**APOLOGIES:** Councillors S Lambert and Sir Beville Stanier Bt

### 1. TEMPORARY CHANGES TO MEMBERSHIP

There were none.

### 2. MINUTES

RESOLVED –

That the minutes of the meeting held on 29 February 2016 be approved as a correct record.

### 3. INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER FOR AYLESBURY TOWN CENTRE

At the Licensing Committee held on 29 February 2016 Members considered the first draft of a Public Space Protection Order (PSPO) for Aylesbury Town Centre. As noted at the time, PSPOs were introduced in October 2014 via the Anti-Social Behaviour, Crime and Policing Act to replace Designated Public Place Orders.

The first draft of the Aylesbury Town Centre PSPO sought to address 6 behaviours that could have a detrimental effect the quality of life of those in the town centre and were considered persistent and continuing. These were:-

- Public consumption of alcohol or having an open container of alcohol;
- Public urination or defecation;
- Aggressive or intimidating begging;
- Aggressive or intimidating behaviour;
- Control of dogs; and
- The unauthorised parking of motor vehicles on Kingsbury and Market Square.

Following the meeting in February a consultation process had been conducted including consultation with the Thames Valley Police Area Commander, AVDC Cabinet Members and Ward Members, Bucks County Council Highways, Aylesbury Town Council, Aylesbury Old Town Residents Association and the Aylesbury Hackney Carriage Association. In addition notices were prepared for the press and various websites as outlined in the officer's report.

Attached as an appendix to the report was a summary of the responses received, all supporting the draft PSPO. Also attached as an appendix was the response from the Local Police Area Commander.

A number of comments received during the consultation needed further consideration. Both the police and another consultee pointed out the need to ensure that the PSPO would not be used inappropriately against people who, for example, found themselves homeless.

The Area Commander recommended the adoption of a broader prevention strategy which would have to be agreed between the police and local authorities. Guidance in the Act suggested that issues are resolved at the lowest level of intervention as possible, such as offering advice and perhaps referral to a support agency.

Formal action under the PSPO was expected to be very infrequent.

A number of other local authorities had been criticised by the National Council for Civil Liberties and similar groups, particularly those councils that had targeted rough sleepers and the homeless.

As the police had been able to deal successively with aggressive beggars as documented in the area commander's response, it was proposed to remove this section from the final PSPO.

The police had also questioned the issue of illegal parking on Kingsbury and Market Square and whether this should be addressed under normal parking enforcement rules rather than the PSPO. However, the public realms of Kingsbury and Market Square in Legal terms do not permit enforcement in the normal way. Apart from the structural damage caused to the surfaces, the illegal parking had also prevented the lawful trading for some of the businesses and town centre events. However, this part of the PSPO could be enforced by the County enforcement officers, and perhaps the District's civic enforcement officers but not the police. A number of solutions to the problem parking were discussed by Members and it was hoped that solutions would be quickly found and in time this behaviour be dropped from the PSPO.

The Aylesbury Hackney Carriage Association had also proposed that parking in taxi ranks be part of the PSPO. There was evidence that the public do park in the ranks. However, this was already unlawful and the problem arose because of the lack of enforcement, so could not be part of a PSPO. However, this issue would be brought to the attention of Bucks County Council.

It had been assumed that prior to the consultation on the draft PSPO that Aylesbury Town Centre had been covered by a Dog Control Order (DCO). However, this turned out not to be the case and dog fouling had been enforced under the Dogs (Fouling of Land) Act, 1996, which in itself was piecemeal with regards to the areas covered in the town centre. Including dog fouling in the final PSPO would be a useful tool for those that disregard convention towards dog fouling.

Implementation of the Order would require a public notice to be published in a local newspaper, notification on the Council's website and press releases. Although not specifically mentioned in the Act, signage would normally be required in the area explaining the Order in plain English. This would provide support for enforcement and prevent risks of mitigation pleas. It was acknowledged that communication about the Order would require careful drafting to ensure that the public do not perceive its enforcement as exclusively police led. As agreed at the last Licensing Committee meeting, Members would receive an update in early 2017 regarding a review of its practical effectiveness.

As well as the problems of parking in Kingsbury and Market Square, Members also discussed aspects of aggressive begging/aggressive behaviour and who would be responsible for enforcing each of the five behaviours. Thames Valley Police would enforce Alcohol, Public Urination etc., and Aggressive behaviour. The control of dogs would come under Environmental Health and Enforcement officers and Parking would be enforced by BCC Parking Enforcement officers. Members suggested that if there were problems monitoring parking in these areas after 5 pm, then the council should consider employing an enforcement officer for those hours. It was acknowledged that

there was a lack of public toilets in the town, particularly after the shops had closed and although there were toilets in locations other than the pubs and clubs, there were people who still chose not to use them.

RESOLVED –

1. That Members noted the comments received during the consultation period in respect to the draft Public Space Protection Order;
2. That Members recommended that the Public Space Protection Order attached as an appendix to the report be subject to Cabinet Member approval; and
3. That appropriate signage be put in place around the perimeter of the PSPO area of Aylesbury Town Centre; that the post of an evening parking enforcement officer be considered if found necessary and that a report be brought back to Committee in 2017.

#### **4. LICENSING REQUIREMENTS FOR DOG DAY CARE ESTABLISHMENTS**

It was reported that Aylesbury Vale District Council were responsible for licensing kennels and catteries within its area under the Animal Boarding Establishment Act 1963. It was also reported that home boarding was rising in popularity, which also required licensing. Currently about 50 home boarders were licensed.

In the last year or so there had been enquiries from individuals proposing to set up dog day care facilities on a much larger scale in purpose built premises and such premises would require a licence under the Act. At present, neither the current standard conditions for animal boarding nor home boarding were entirely appropriate for this kind of operation.

In respect to the licensing requirements the Act had regard to the nature of the accommodation, including construction, size, number of occupants, temperature, lighting, ventilation and cleanliness; the availability of food, drink and bedding; the control and spread of infectious disease; protection of animals in case of fire, and various documentation requirements. Further, the Animal Welfare Act 2006 had introduced “5 freedoms” in respect to animal welfare:-

- Freedom from hunger and thirst;
- Freedom from discomfort;
- Freedom from pain, injury and disease;
- Freedom to behave normally; and
- Freedom from fear and distress.

Following an enquiry and in anticipation of a business eventually setting up in the Vale, a draft set of conditions were drawn up. These had been based on other authorities licensing conditions and other sources. The draft conditions were sent to one of AVDC’s designated vets, the individual who had made the enquiry and the council’s Environmental Health team for feedback. The draft conditions were attached as an appendix to the report.

The council was also required to determine a fee for dog day care establishments based on the recovery of delivering the service. Based on fees for commercial boarding establishments, as agreed in 2015, it was recommended that the fee for a new application be £450 which included the vet costs, and a renewal be £110.

The situation regarding any new establishments would be monitored and if necessary a report would be brought back to a future Licensing Committee.

Members commented and sought clarification on various matters including disease control, fees to be charged, temperature controls in the premises, disposal of waste and the different types of boarding facilities. It was confirmed the conditions attached to any licence only considered the welfare of the dogs, and other issues such as noise and location/size of premises came under separate legislation.

Officers also confirmed that DEFRA had been consulting on changes to all animal establishment licensing as current licensing was based on out of date legislation. DEFRA were proposing to introduce new secondary legislation under the Animal Welfare Act 2006. Consequently it was felt better to wait for the outcome on this as standard conditions may be put in place for all such establishments.

Subject to a couple of minor changes in the conditions, it was

RESOLVED –

1. That members noted the report;
2. Agreed the standard licensing conditions as attached to the report as an appendix and the fees as outlined above for Dog Day Care Establishments; and
3. That an update be brought back to Licensing committee at a future meeting.



## REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY

### 1 Purpose

- 1.1 For Members of Licensing Committee to note the responses arising from a trade consultation on the Council's current Taxi and Private Hire Licensing Policy and policy developments by Rotherham Metropolitan Borough Council and for Members to instruct officers as to further amendments for future policy.

### 2 Recommendations/for decision

For Members to note and discuss comments arising from the trade consultation on the Council's Policy on Taxis and Private Hire and, also the policy developments recently introduced by Rotherham Metropolitan Borough Council and agree what changes should be included in future policy for Aylesbury Vale District Council.

### 3 Supporting information

- 3.1 The Council's current policy on taxi and private hire was last comprehensively reviewed in 2010. It has over the years been subject to various specific changes resulting from decisions made by Licensing Committee often arising from a change of law and practice or a specific request. Examples include changes to advertising on vehicles, the introduction of the penalty point system for enforcement and more recently an updated policy on criminal behaviour and unacceptable behaviour.
- 3.2 In recent years the Council have undergone a number of significant changes particularly in respect to the introduction of new technology. This has in turn been reflected in the administration of licences. In this respect alone the Council's policy does require updating. The taxi licensing team have also implemented changes, in consultation with the Chairman of Licensing Committee without formally updating the policy. For example, arrangements in relation to medicals and driver competency.
- 3.3 In an effort initiate a review which would include the participation of the trade, all operators were contacted and informed of the Council's intention. They were advised that this was an opportunity to revisit some of the standards and conditions imposed by our current policy and to take a view as to whether some should be relaxed and others tightened. Although views on any aspect of the Council's policy would be welcomed, they were specifically sign posted on the following.
- Existing vehicle conditions, age limits, types of vehicle and signage
  - Operator licences
  - Driver application process, including medicals, knowledge test and English language tests

- Enforcement, including penalty points system and policy on criminal conduct
- 3.4 Following consultation with trade 25 responses were received and these are attached as Appendix 1. Many of the comments are irrelevant in the context of shaping policy and either criticise or praise the current service. Some comments are perhaps worthy of some further consideration. An example being a re-consideration of the current rules on age limits, rules relating to licensed operators, English language testing and design of hackney carriages.
- 3.5 Despite the invitation to comment formally a number of drivers staged a spontaneous protest on the 3 June 2016 arising from a joint police and licensing enforcement initiative. With the help of a small number of key operators the protest was short lived and uneventful. However they were once again asked to put their various grievances in writing. Attached as Appendix 2 is a letter from the Private Hire Association.
- 3.6 In 2012 the Law Commission published a draft Taxi and Private Hire Bill and Members will recall that they contributed during the consultation. Sadly this piece of much needed work to provide National standards and conditions never reached fruition. However, at that time the scourge of child sexual exploitation had not been revealed to the extent that it now occupies policy making and regulatory decisions. It is speculated that if a new bill was to be published it would not merely attempt to update historic legislation but focus on a whole range of different priorities.
- 3.7 During 2015 The Casey Report was published criticising Rotherham Borough Council's corporate failure to protect young and vulnerable people. In response AVDC's licensing service carried out a thorough review of its own procedures and policies and found them to be significantly superior to arrangements in Rotherham at that time.
- 3.8 As recently as May this year Mary Ney, Commissioner of Rotherham Borough Council produced an update for the Local Government Chronicle and this is attached as Appendix 3. In respect to her comments relating to the 'fit and proper' test, AVDC already meet the more stringent arrangements only recently introduced by Rotherham and relationships and intelligence sharing with partners is enviable by neighbouring authorities. However Rotherham have introduced additional initiatives that Members may wish to consider. Examples are BTEC certificate training, safeguarding training, insisting that divers subscribe to the Disclosure and Barring Service online update service which notifies the Council any changes to criminal records and perhaps more controversially the installation of cameras in taxis.
- 3.9 From the comments received from the trade to date, it is suspected that any additional burdens placed on them will not be received well. The Council's licensing services have always endeavoured to work with the trade whilst not compromising public safety. At this stage Members are not asked to make any specific decisions but provide a general steer as to what should form part of our revised policy. A new draft will be drawn up and brought back to Licensing Committee in September.

#### **4 Options considered**

- 4.1 None.

**5 Reasons for Recommendation**

5.1 To ensure current policy is up to date and fit for purpose.

**6 Resource implications**

6.1 None.

Contact Officer	Peter Seal 01296 585083
Background Documents	None

## Appendix 1

Taxi Policy consultation 2016 - Appendix 1

### ONE

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

I think the of the vehicle shouldn't be an issue as long as the vehicle is on good conditioned and well maintained

**Q3: What are your thoughts regarding Private Hire Operator licences?**

The process that is currently in place for the operators licence is really good

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Very good process

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

I think the enforcement and the penalty points is a good system

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

Majority of the time is always difficult to get through to someone on the phone in the Avdc office I've been on hold at times for 15 mins and the appointment times for new applicants can be like 3 to 4 weeks which is a long time

### TWO

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

The conditions are most unfair. A vehicle approaching 10 years old in good condition inside and out. Maintained to a high standard being refused re-plating. Whilst some vehicles of 10 years old or over being permitted to be re plated. The system is unfair. The age conditions are a contributory factor to some companies having to merge or close due to the costs involved in replacing unnecessarily, perfectly good vehicles. The signage is also something that needs addressing. The sign stickers are too large, ugly and of poor quality. They do not stand up to continual washing and also leave sticky marks on the vehicle which are difficult to remove. The plate is too large and needs updating. Also too much advertising on certain vehicles. There should only be licencing plate and stickers and maybe the company name.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

system is fine.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Again an unfair, lengthy and costly business. This is preventing/discouraging drivers applying. The medical costs alone are extortionate as the medical must be overseen by ones own GP practice. Most surgeries charging in excess of 100.00 pounds for this. As regards a knowledge test that's fine we

have no objection but when you are applying for a renewal this in a way shows lack of confidence in the driver. Sitting another driving test is again a costly experience. There should be an English language test. Providing it is fair. It is very important that the driver is able to fully communicate with the customers. It is most important that the

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

We are in agreement with the penalty point system

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

We have given our views of our main concerns. These items definitely require addressing. As far as the age of a vehicle is concerned it is not necessarily the vehicle type but the way it has been looked after/maintained. We are sure that the council will do its utmost to help the trade in these difficult financial times. We look forward to working together for a successful future for both the taxi trade and the council.

**THREE**

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

The conditions and standards regarding vehicle ages and types of vehicle are good and on par with the neighboring councils like Milton Keynes, South Northants and Mid Beds. The vehicle signage is a big issue as I feel that whilst prebooked signs are good there is a view that with the growth of technology, the customer when they book a taxi will know what vehicle is sent out to pick them up I believe that there should be a option given to the operators where they can integrate the prebooked sign into the company sign. Where at the bottom it will say "THIS VEHICLE MUST BE PREBOOKED" with Aylesbury council logo or crest.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

The taxi industry is changing after the deregulation act and technology. More of the big taxi companies are expanding themselves in other areas and becoming more regional. No issues with Operator Licenses.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

The driver application process is good as all drivers need a medical and need to have CRB check done. With technology improving drivers use there sat navs and no area knowledge is required to be taken from A to B.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

The penalty points system is a good system and keeps drivers under check.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

The future of taxi and private hire licensing is looking good for the customers with payment by card and payment by using a app on the mobile. The future will be driver less cars and within 5 years we could have private hire vehicles carrying passengers with no driver !

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

Response given

**Q3: What are your thoughts regarding Private Hire Operator licences?**

Response given

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Knowledge tests should be compulsory for Drivers that that will work for out of town operators such as firms from Milton Keynes. Even the Operator should be given a lengthy interview to discuss their plans and test their knowledge of the area before being granted an Operators License. There seems to be a rise in the number of Drivers who do the majority of their work outside of Aylesbury Vale, if they work for an Operator whose main residence is not in Aylesbury Vale, any such applicants should be asked to take the knowledge test unless they work for a local Aylesbury Vale based operator. We have our own in house knowledge test which we help and guide the Driver through. Also we offer them ongoing support on local knowledge whereas

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

Response given

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

Uber and their working practises need to be given some serious thought

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

Vehicle ages To help raise the standard in Aylesbury Vale, we need to allow Drivers more scope to acquire new vehicles based on make and model. Under 8 years old: The more higher end vehicles such as Mercedes E Class, BMW 5 series, Audi A6 etc the lower limit for these vehicles should be under 8 years old and be allowed to use such vehicles until they reach 14 years in age. Minibuses such as VW transporters, Mercedes Vito should be included in this bracket. Maybe even the London Black Cab. Under 7 Years: Mid range saloons such as Skoda Superb's are highly praised for their build quality and comfort. These types of vehicles are known to have ample leg room and these vehicles are very popular with passengers. The upper limit for these types of vehicles should be 12 years old. Under 6 Years: This is the age bracket where most general vehicles should fall under such

as Skoda Octavia, VW Passat type vehicles. The upper limit can remain at 10 years old. Under 4 Years: In recent times I have seen an increase in vehicles such as Vauxhall Astra hatchback, these vehicles should not be allowed to be licensed as private hire as this vehicle is too small. However, if the age limit was 4 years with upper limit to 8 years this would deter most. Vehicle signage: stickers have been very unpopular in the trade and these should be replaced with a Top Sign as seen in Luton. This will remove the need for plates and they can be replaced by paper PCO type discs in the front and rear of the vehicle. Not only is this more environmentally friendly but will also help reduce costs.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

Operator licenses should only be issued once the council is satisfied that there is sufficient parking space and an office accessible to the public. Also, the licensing officer should check the financial standing of an operator, depending on the number of vehicles they wish to license on start-up. This will help ensure that an operator will be able to manage and maintain their vehicles to the required standard. Operators should be explicitly warned about diverting calls to their mobile phone. A number of operators divert calls to their mobiles and dispatch work from their vehicle. Not only is this dangerous but such operators are known for plying for hire and touting. For Operator licenses the following should be taken in to account: Premises Parking Financial standing DBS clearance Public Liability Insurance Employers Liability Insurance Operators should be licensed for 3 or 5 years rather than on a yearly basis.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Medicals - for new applicants medicals should be taken as part of their application and then this should be taken every 6 years rather than at each renewal. However, once a Driver reaches the age of 45 then this should be done on each renewal thereafter. I believe a Drivers level of english should not prevent him from obtaining a taxi badge. (Maybe its better that they do not understand English as the verbal abuse some drivers get is despicable), having said that Private Hire drivers have in vehicle devices such as the PDA (Android Smartphone) on which any instructions to the Driver can be translated to their language.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

As for penalty points they should only be issued against serious faults and defects. We need to be careful not issue penalty points re trivial matters or matters which should only warrant an advisory note, e.g. small scratches on vehicles.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

We would like to have a dedicated help desk that is available throughout the day. Maybe the council should create a knowledge base for FAQ's and ticketing system such as zendesk or freshdesk to prioritise tickets and requests. MOT's should be outsourced to alleviate pressure on the garage and even a fast track service should be available for a premium price to get licensed quickly. Turnaround times for plates needs to be reduced they should be available and ready for collection at the garage soon as the vehicle is tested. If we had top signs the garage can just print the discs for us to take away.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

Response given

**Q3: What are your thoughts regarding Private Hire Operator licences?**

Response given

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Knowledge tests should be compulsory for Drivers that that will work for out of town operators such as firms from Milton Keynes. Even the Operator should be given a lengthy interview to discuss their plans and test their knowledge of the area before being granted an Operators License. There seems to be a rise in the number of Drivers who do the majority of their work outside of Aylesbury Vale, if they work for an Operator whose main residence is not in Aylesbury Vale, any such applicants should be asked to take the knowledge test unless they work for a local Aylesbury Vale based operator. We have our own in house knowledge test which we help and guide the Driver through. Also we offer them ongoing support on local knowledge whereas

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

Response given

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

Uber and their working practises need to be given some serious thought.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

*Respondent skipped this question*

**Q3: What are your thoughts regarding Private Hire Operator licences?**

*Respondent skipped this question*

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

*Respondent skipped this question*

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**



*Respondent skipped this question*

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

Hackney carriage must stop picking up without pre-booked jobs from Aylesbury Vake park way Station. can you please raise a circulation to five twos. We need to introduce a different test to new red plate drivers e.g there must be a limit to stop n search by the council in each year. Also allow drivers to work across the different counties. What will be the future of red plate drivers if AVDC merge with other council. e.g do we allow to work other district as a Hackney Carriage. Why are we having two different type of policies towards vehices, e.g some private hire vehicles keep getting their plate renewal even if they exceed the age limit, some people are still using 02 Reg plate in private hire. if you guys need registration and am happy to provide you. Secondly we have been advised by Peter in order to have Red plate, one must get European wheel chair whole type of approved vehicles, but how come you gave a Red plate to X55 BUT, Red plate no 190. we have informed the licensing authority about 3 years ago and since then nothing happened. they keep telling us its under investigation. at one point they will not renew this plate again, this is not even meeting the european standars. don't you think its fair to rest of the trade. When are you going to reduce the licensing fees? at the moment taxi licensing does not have any road map for the next few years, such as how are you goign to remove the parish council, e.g berry field . Please allow us to explain better in the june meeting, it can take few hours, Note: I'm not sure are you going to implement these changes or not.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

*Respondent skipped this question*

**Q3: What are your thoughts regarding Private Hire Operator licences?**

the more the better

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

the best

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

point system is good but drivers should not penalised for magnetic Aylesbury stickers

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

i think aylesbury are doing a good job but will need to evolve as they are getting bigger more staff

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

The vehicle age should be a minimum of 8 years, currently being 5-6 years of age before putting a plate on it. Vehicles are getting expensive and so are insurances therefore it would be appreciated if something was done about age of vehicles being out on taxis. The car signs are bigger than several other taxi councils. If something which needs to be done about them is to have them made smaller or enhance and enable drivers to put magnetic council stickers on each side however resulting to this drivers would need to put them on when starting work and taking them off when finishing. In most cases the cars get broken in to late at night when parked at home addresses and does not favour us as drivers as nothing can get done about theft due to limited amount of evidence. Therefore having the council stickers on the vehicles overnight increases the chances of vehicles being Broken in to or vandalised, then on to loss of earnings, which no council or insurance or company covers us as self employed which results to a bigger hole in our pockets. The welfare of AVDC taxi drivers should be taken in to consideration.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

I personally believe the taxi council is too strict on taxi drivers, as the punishment is too harsh and they do not see a alternative to small issues rather a costly alternative. I believe the council should treat us taxi drivers in a better way. We also have a contribution to the community providing taxis.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

The standards to medical tests need to be lowered I also believe this matter of individual medicals are highly strict.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

The point system should be removed this plays a particular role in our taxi drivers jobs. 1 small mistake can lead you to big trouble by receiving points which then result to fixed added points by a certain time which then can be removed. When council do random taxi checks in to do not consider the fact that they should hear the voice of the taxi driver but rather give you points and then declare that the driver should appeal it. Firstly, the points shouldn't be given to the driver if the council then think the driver can appeal and have them removed. The point here is why give points and then need to appeal in order to have them removed? This increase valuable time for some, and also the fact that not all taxi drivers are punctual at using Internet or computers to do this rather have to chase those who can do this for them. Secondly, if nothing can be done about the points system, the matter should urgently be fixed on things such as those which are minor. Points should be given only for high risk vehicles not those who have minor issues. I personally have been stopped by the council a few months back (Michelle and her colleague) the matter they had found was that a rear light should be changed due to it being cracked, I personally did not feel as though it needed replacing yet one of the AVDC taxi council told me it was ok however the other lady just felt as though she needed to prove a point and told me to replace the headlight. The headlight had been changed but firstly if there was an issue the taxi MOT inspected would have advised it which he did not, secondly I have found out from a reliable source (MOT inspector) that the light did not need changing due to it being the edge of the frame and not the actual headlight. I question myself up until this day, why did the first AVDC officer say it was ok and the second officer a few minutes later telling me to change it. I still did not cause an argument or distribution with their checks which were being carried out.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

I think the council should take it easy with taxi drivers and overall consider changing their approaches and tactics in age related vehicles to a minimum of 8 years, end the point system or keep it at a minimum, take it easy on medicals also, and not to be harsh on taxi drivers when carrying out random checks. I hope this get sorted and act upon, this is our lively hood and we want to work with the council to keep the taxi environment a safe one but how can we when we get treated unfairly by yourselfs

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

I feel this unfair to private hire as they is one rule of hackney carriage and different for private hire.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

it fine.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

I feel medical should be done and as for knowledge test I do not see the point as most company have pda system fitted in the cars to guide them direct to the customer house.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

I feel when enforcement team go out to do checks a lot of private hire driver have notices that you only go out for private hire driver only. Avdc has not recently published a report to say how many Hackney carriage driver and vehicle they have penalized. We feel that we been pick on but the hackney drivers you guys listen more do and feel threatened by them. This is the view and the impression were getting from the private section side.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

firstly you need to get rid of being issue a taxi badge you have to have licensing for 18 months do not see the point of that. Everyone should be treating the same include hackney carriage. The waiting time for someone to answer the phone if were lucky is over 20 mins. Then we do not get spoke to correct manner. It not our fault and should not get suffer because avdc short staff. just for the record lot of driver have notices this.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

I don't see any reason to change anything. You seem to find it difficult to force the present rules I am still seeing cars which are smoking and in poor condition.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

Stay the same

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Too much red tape you have already made it almost impossible to recruit drivers. I have given up.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

Stop treating drivers like children. If you licence people who can't speak English or don't have any interest in anything other than money.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

Why is it that we are spoken to in such a way that gives us no respect. We are running businesses to make money not playing games. I comply with all the rules but still have unanswered emails. Can't get through on the phone etc. Stop sitting there and dreaming up more red tape do your job and enforce the rules on the Cowboys!

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

The ph vehicle is in Aylesbury but work in mk and all the drivers don't have any area knowledge.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

The operators license should be given to a qualified person to meet the conditions. And should have the bookings and dispatch record within the jurisdiction of council.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

English language should be the criteria and area knowledge must have a testing criteria of where ever they operate.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

Enforcement should be on all areas not only in Aylesbury district.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

Ph taxi must be stopped working cross border operations.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

*Respondent skipped this question*

**Q3: What are your thoughts regarding Private Hire Operator licences?**

*Respondent skipped this question*

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

*Respondent skipped this question*

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

*Respondent skipped this question*

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

I don't know if it is legal that so many Taxis plated by other councils. Come to work in Milton Keynes which is not good for Mk taxi drivers.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

We would like to see exceptions made for vehicles used for school contracts only. This being at least an extra 2 years.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

we have no issues with this.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

For general private hire taxi drivers we think this is important that they speak & understand english. The issue for us is the time it takes to get an appointment & the cost.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

we have no issues with this system

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

We feel it would be more helpful if we were able to contact people in authority when necessary. not have to constantly chase plates. if these could be done earlier than the day before plate running out as gives no time to arrange collection or if haven't been made up also makes for a problem getting them late. Also would like the facility of being able to swap test dates between own vehicles when necessary. As there are different reception staff everytime a plate is collected it would be good if staff were made aware of who is collecting, say a list of people for a company that are allowed. as applications automatically go into the operators name on the council log it puts this information onto the paperwork and is not the operator who collects the plates.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

Red plates wheelchair vehicles are not very human friendly and not comfortable with different age of people. We get the different name on a number of occasions e.g BreadVan, Ambulance and Funeral Car service. These vehicles are not designed for the Taxi purpose, 99 % people find Saloon car would be the best and easy solution for them. That is why Both Red and White plate trade have lost their trade. People prefer to go Private hire rather than Hackney's carriage. People keep complaining about Hips, back and legs problem so that is why they can't get in to these vehicles. Trade thinks it's a right time to introduce Green and Hybrid saloon cars in Red Plate Trade. Council should allow only existing Red Plate owners to have these saloon cars, and then put the limit on saloon cars. There is no demand for Wheel chair access for red plate areas. We (trade) hardly done a few wheel chair jobs. We do need to keep the same policy as long as it passes the MOT Test. We need to redesign the friendly vehicles Policy and council should give us plenty of options to choose one of them. As I mentioned above it is very difficult to maintain these E 7 vehicles. Customers would prefer saloon cars for short and long distance. Seems no one is highlighted this issue before. Vehicle signage should be simple, smart and E-Signage. e.g Transport for London issue a Sticker where they can monitor the whole records.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

Private hire operator license should be 3 or 5 years rather than 1 year, there is no need to have discrete plates displayed outside. Executive plates should be issued to only Branded vehicles e.g Mercedes, BMW, Audi and so on. Normally Exec cars are very expensive and AVDC should give us 8 years vehicle age limit rather than 6 years.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Medical should be 5 years rather than 3 years, same as Bus driver medical standards. Knowledge and English test be must compulsory. this issue was highlighted in the past but no action has been taken so far. Currently Crb is the main issue in the Trade council should issue temp badge to those drivers who have clean records in the past.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

There is a lot of work needs to be done towards Penalty Points. There is room for Amendments but please consult Red plate Drivers As well, not only Black and Private Hire. Trade is not very happy the way they designed this policy. AVDC should give a caution or warning before they issue a penalty points.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

AVDC should introduce the standard Tarriffs policy towards Private hire. Some councils are enforced to have meter in Private hire vehicles. Council should allow only Red plated vehicles to operate in all Train Stations with the help of Chiltern Railway except Aylesbury and also to create more ranks in Wendover and Haddenham . Red plate drivers should be invited any Trade Meeting and preferably we should have a meeting one in every 3 months or atleast 6 months. There is no Road map for the next few months or years. We were told by Peter Licensing fees should have reduced once we migrated to Online. I really don't understand why would it be difficult for Red plate Drivers to speak to Kyle, Peter and Lorraine. Is this a new Internal Policy not to speak any Red Plate Drivers. If a person has two vehicles. it would be better to issue extra badge with minimal fees £10.00 admin charges. Have we thought about any Green cars for Hackney and Red Plates. Why do we get stopped by another Council, is there any mutual understanding between one council to another e.g Hemel Council or MK council. If one person has more than 1 vehicles can we introduce a discount to second vehicles or so on... Hackney must stop picking up jobs from Berryfield stations except pre-booked

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

THE VEHICLE AGE SHOULD STAY AT 6YEARS AND SIGNAGE SHOULD BE SMALLER

**Q3: What are your thoughts regarding Private Hire Operator licences?**

THAT IS FINE

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

NO NEED FOR KNOWLEDGE TEST OR ENGLISH TEST ALL CAR HAVE SAT NAV IN THEM

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

WE DO NOT AGREE WITH PENALTY POINTS AND EVERY THING ELSE IS OK

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

WE ARE FED UP WITH YOU PENALIZING AND STOPPING OUR VEHICLES ON THE WEEKENDS AND STOP US FROM EARNING A LIVING IT NEEDS TO STOP

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

As an executive service I do believe the age restriction should not apply to certain vehicles for i.e. Mercedes. If the condition and the standard of the vehicle pass compliance then it should become licensed even if it is not within the 6 year age limit. The 6 year age limit prevents very good standard vehicles from becoming licensed. It is also not very cost effective for companies to pay £7000 for a vehicle which is going to charge a £3.00 fare. Customers prefer vehicles that are clean and maintained. Also many customer do not like all the signage. The signage should be updated to reflect the society and times we are living in. It needs to be simple and discreet.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

Process is very efficient and but could be charged at a lower rate.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

All drivers must be able to speak, read and write English. Medicals are very expensive and I'm sure there are very few people who would not pass a medical test therefore may seem pointless as part of the process on becoming a driver. There should be a quicker and shorter test done that is affordable for people who want to become drivers.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

Absolutely agree with it. Vehicle standards must be maintained and adhered to at all times. Although I do believe that people who have criminal records should be considered on the crime and circumstances rather than then fact there is a record. i.e an 18 year old caught stealing will have a record but may decide at the age of 27 years to become a driver. Therefore if the sentence/punishment has been finished it should not prevent people from becoming a driver later on in life.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

*Respondent skipped this question*

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

Vehicles should be looked at on merit

**Q3: What are your thoughts regarding Private Hire Operator licences?**



They should all be made to tow the line, ie office & paperwork up to date at all times

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

The whole online application is inappropriate, needs to be reviewed, the whole process to get a new driver badged takes far too long. Maybe an interim badge could be issued?

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

Good idea, needs to be enforced, throwing toys out of the pram & going on strike, does not warrant the points being removed. We need a system that doesn't allow the passing of badges to other drivers should be stopped, if caught then the badge should be revoked.....

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

All of the above to be enforced & not bow down to intimidation.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

All vehicles should meet the standard of safety of an MOT test

**Q3: What are your thoughts regarding Private Hire Operator licences?**

The number of private hire operators and the number of vehicles they are allowed to operate should come under some control as an over abundant service of the sort that we operate with slashing of fares in order to try to earn a living, leaves operators to try and eek out a minor fault to a future time as they cant afford the repairs. Resulting in the poor state of some of the cars.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Medicals should be as they are now as long as they are legitimate, and not fiddled possibly carried out by a doctor already in the employ of the council if in some other sphere. Not only would it take up some of his spare but would bring in extra revenue to underpin some of the councils wasteful practices. Knowledge in this day and age are really not that necessary as long as you are able to operate a sat nav but in order to do that you have to have good command of the language in the first instance to understand your passengers request and secondly if the sat nav takes you wrong at least to be able to ask someone for help. I have heard of more than one case where a member of the local Asian community had to interpret for another who should not have been granted a licence in the first place due to lack of language quality

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

The penalty points is something some of the licensing officers dreamed up and a lot of it needs looking at seriously (example, nobody should drive around with an illegal tyre but if the person happens to fall foul of the law due to the amount of pot holes that are constantly knocking our wheel alignment out of true which is down to the councils/highways poor maintenance. Then hi gets points on his license and a fine so I feel the council should not have the right to punish him further to put it in a nutshell it is like one of you coming to work getting caught in the same circumstance and then have to go in front of a panel and have a written warning which is on your record for a period of time. The criminal "fit and proper" test? you already have your guidelines and seem to be doing well with it as it is. Any breach of the law in cases of future of the licence being granted should of course be taken on it's own merit and gravity. It should be taken into account that specially late at night but not always people who are drunk or in a drug related state may not seem it outwardly for the driver to notice until it may be too late.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

The following points have been raised time and again to the licensing team. The taxis are very cumbersome and inconvenient for a lot of older passengers to get in and out of even younger passengers with minor or temporary disability find it so. The fact is that any person with a disability where wheel chair ramps are needed would call for a suitable vehicle and not venture out in the hope of being able to flag one dow. The only places wheel chair compliant taxis should be compulsory is at railway and buststations. The taxi stand in Buckingham is in the wrong position, there are no public taxi stands at Haddenham, Wendover and Aylesbury Parkway Railway Stations. As the private hire companies are licensed there is no reason why the council cant restrict the number of vehicles or licences. This over subscribed bussiness of the private hire requirement's in the number of the public seeking journies and number of operators who have to cut rates to unecenomical position, the number of part time "private hire and taxi drivers" who have full time jobs and using this trade as a form pin money generator should be stamped out for both the good of the trade and the public. The number of private hire companies in the built up area of Aylesbury and Buckingham have drivers coming from as far away as Luton and even further afield. As a red plate owner/driver i have no stake holder protection the same as afforded to the white plate taxis, a prejudicial favouretism denying me similar oportunities. The vehicle has been bought on the understanding that it is lifelong as long as it is kept in good condition and road worthy state.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

I like the idea that a Hackney has to be a purpose built vehicle capable of carrying people with limited mobility. The problem is that with a parent who needs to use these vehicles, I regularly find that Ramps, Straps for Chairs and locking devices are completely missing or do not work. The vehicles with the sliding doors routinely have gaps big enough to let water into the passenger area of the vehicle. For this reason the vehicle age must not be allowed to exceed 10 years. Both private hire and Hackney vehicles easily reach 250 to 350 thousand miles by 6/7 years. by this time wear and tear on the vehicles essential components put drivers and customers at risk. I have seen a Prius on a Y reg which means it is at least 16 years old. The rule on a vehicle being under 6yrs old for first test. This really has no bearing if the 10yr rule is upheld. Get rid of it. One rule 10yrs then off the road. The standard of private hire vehicles within the Vale has greatly improved recently with Mercedes, BMW and other top Marques now on fleets, The same cannot be said for the HC fleet you only have to look down the ranks at the station and town to see this. To allow all operators to run their businesses on an equal footing the age restriction must be enforced. There are a small element of operators who have yellow plates but do not apply the stickers or plate. In other words they apply for a yellow plate but use the vehicle like an Exec. If this is not enforced, why do i pay more for my Exec plates and have to justify the correct passenger use for them when I could save £54 per vehicle per year. Why is

the cost of supplying me with no stickers or yellow plate £54 more a year than standard PH. Plate costs should be the same.

**Q3: What are your thoughts regarding Private Hire Operator licences?**

This Licence although has no worth as a deterrent for operating outside the rules as anybody can apply for one. I mean that I get closed down, but my brother applies for another the next day. There needs to be a system of vetting applicants, Previous experience, Financial background, where they operate from etc.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Modern technology is great, but now you have no idea who is applying for who, the applicant is faceless until the short interview when they get the badge. This is where applicants with little or no English are succeeding with getting badged. I would like to see a national badge similar to the Liquor Personal Licence where the application and training is carried out externally and a pass mark is achieved. until that I suggest a test similar to the Theory test for normal licences, where the applicant is on their own from start to finish. That way they would have to fill out all forms themselves. This could be quite easy to do if you made the application only available at the computers you have in Reception. No mobile phones or friends to help them. Please reinstate the knowledge test, i'm not on about street names but how to get to villages or areas of the town I say this as i regularly go to Temple Square in a PH. This is one of the oldest parts of town and drivers do not know where it is. I have also found that a lot of drivers from Luton and MK are working the Vale area.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

My opinion is that if Drivers and Operators had a more in depth application system then enforcement would be easier. Totally agree with a points system and CRB or equivalent checks throughout. The problem is that your dept is tasked with licencing and enforcing everything from Taxis, Pubs, Sex shops. Unless your numbers are expanded you will never find the less scrupulous operator/drivers. I will say that the on street enforcement would benefit from cross agency cooperation. Immigration/Benefits/Police/Vosa. I have drivers approach me for jobs who cant provide passport or NI number and only want me to declare 16hrs per week!! School Transport enforcement tends to get left to BCC. The problem is that an huge amount of the PH fleet do private school runs where mum and dad pay. I would like to see enforcement checks at and around schools for these vehicles also..

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

Make the rules stick. 10yrs old means 10yrs - The vehicle test is just an MOT, there are no maintenance records checked by mechanics to prove the vehicle has been well maintained, Brake warning lights and engine management lights mean vehicles off the road. Uber is controversial but you can see the vehicle and driver that is supposed to pick to you up on your phone. I think Meters need to be available in all PH cars. This does not necessarily mean the traditional meter. AVDC could make an app that you use on your phone so both passenger and driver have access to it with fares for distance and time of night. Funded by advertising from Cab firms or fast food shops etc. The way forward is to make The taxi profession National, like the Alcohol licencing. This would eliminate cross border problems. Enforcement just more of it. A lot of what i have mentioned is purely my own view and i cannot put figures behind some of my allegations, but if you spend as much time on the streets as i do you will notice the goings on that some of the drivers/operators get away with.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

Vehicles should be restricted not only by age but by mileage too as that has an affect on the general wear and tear and quality of the vehicle. The current signage seems to be ok in general and there do seem to be any 'inappropriate' vehicles in AVDC area. though perhaps there should be a restriction to saloon cars only (excepting the Toyota Prius which is a popular choice )

**Q3: What are your thoughts regarding Private Hire Operator licences?**

Seems to be a waste of money but i suppose some regulation is required.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

Medicals are a good idea in general I have been in many local Private hire vehicles where I would be surprised if any english was known to the driver Local knowledge tests seem to be a good idea for local 'ad hoc' business

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

It started promisingly with news on stoppages and penalty points given. Did this stop due to pressure from the 'Aylesbury Private Hire Association'? They do not represent my business certainly. If vehicles/drivers are repeatedly in use that are less than the standards set by the AVDC then they need to be recorded somehow so they are stopped. If the vehicles are badly maintained then the Operators have to take responsibility. I have been in poorly maintained cars and its unpleasant

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

*Respondent skipped this question*

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

I think there should be a maximum 10 year age on all vehicles and no vehicles older than 3 or 5 years should be licensed on its first licensing period. Vehicle types do not worry me as each vehicle should be chosen to suit that company. Private Hire vehicles should be allowed to be advertised on in any way possible, even if that means local companies advertising on the cars. Executive vehicles are just about right although I do believe that they should be allowed to apply for an exemption to have their plates showing, just like in London. I do not have an opinion on Hackney carriages. I do think that it is expensive to license a vehicle. I don't see what benefit we get from spending so much to license a vehicle. I also don't understand why it is more expensive to license an executive car, because the admin is less and you don't have to print up stickers for the cars!?

**Q3: What are your thoughts regarding Private Hire Operator licences?**

None, I think they are ok.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

I think basic English should be spoken and understood. A test should be taken. I have been told by various members on AVDC that they have processed drivers who cant even speak English, which I find ridiculous. The application process is fine although I do believe that regular check should be carried out at all times on each driver. I have been a driver for 5 years and I have only been seen once which is not good. Medicals should be completed every 3 years.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

I think the penalty points system is great. Each driver should be responsible for the car they are driving even if it belongs to their company. Unacceptable behaviour reported to the council should come with a ban. The period depends on the severity of the incident.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

The standards in Aylesbury are very low. The test is a joke, the standard of driver is bad which is why the service levels are so bad. More checks, more punishments and fines. A minimum age on vehicles. Better security for customers.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

Not allowing signage on an executive car is very very bad in my opinion we are trying to change peoples perception of taxis and that should include being able to advertise your company on your vehicle be it executive or an ordinary private hire. You are contributing to people getting into cars by mistake by not allowing a company to display its name and honestly what's wrong with discreet signage on executive cars ?? our corporate clients have no issue with this so why should you ??? AVDC has some of the strictest rules regarding age of vehicles that can be used and that again is so silly when some of the older vehicles should blatantly not even be on the road!!

**Q3: What are your thoughts regarding Private Hire Operator licences?**

This in my opinion are more than adequate

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

The medical in my opinion is a waste of time and money if you have a valid UK driving licence then that should be sufficient enough. Drivers are given licences with little or no knowledge of the area they will be working in.

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

In my opinion the penalty points system has yet to prove its worth, too much focus is put on the vehicles and not the driver inside the car or his behaviour. Drivers need to be made to realise the implications of not abiding by the rules and regulations. At the moment I have yet to see this in action. Overcharging is a MAJOR issue in the industry and is giving all of us a bad name. Drivers can charge 2,3,4 or more times the actual price of a journey and with out fear of consequence. We need all firms to agree this has to stop.

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

This industry in the vale of Aylesbury needs a MAJOR overhaul or it will slip backwards very quickly. The length of time to get a licence is ridiculous. The rules and regulations are not enforced, there is no specific department any more for taxi licencing. The amount of times we have called to be answered with "I don't know" if you don't know how are the drivers or customers supposed to know. More checks need to be made out in the field. Overcharging needs to be part of the penalty system its rife and is giving the industry a terrible reputation. the list goes on and on and on and we despair every day of what is going to happen long term. We hear horror stories every day we tell people to call AVDC to complain just for them to say " we have but no one was interested"! Less focus needs to be placed on the medical and more on whether a driver has an actual knowledge of the area he will be working in. If he hasn't then he surely needs to shadow a driver before he is issued with a badge. All too often drivers turn up thinking the only thing they have to do is drive a car. This job is so much more than that and if you really want an industry that compares with other areas we really need to step up to the plate.

**Q2: What are your thoughts regarding the Private Hire and Hackney Carriage vehicle licence conditions and standards. With particular regard to vehicle ages, types of vehicle and vehicle signage.**

I think that Aylesbury Vale is an affluent area but that the standard of private hire vehicles in the town does not reflect this. I think there are too many old and battered vehicles in operation and this does not present a good image for the area. I think that competition is too high in the towns (it doesn't affect us where we are so I am just offering an opinion) and as such the price of journeys is being driven down. The result of this is that the standard of driving is poor as drivers just want to get back to pick up their next fair (I have been driven by an Aylesbury cab to Leighton Buzzard and the driver did not slow down AT ALL over half a dozen speed bumps on the journey) If there were fewer licensed vehicles on the road and they had to be younger vehicles then prices would have to increase. AVDC is one of the cheapest Hackney rates in the country. Is it one of the cheapest for Council Tax? Is it one of the cheapest to buy a house? This makes no sense. The prices need to increase. I understand the ideology behind signage on private hire vehicles but I wonder how effective it is in reality? Do the public really care if they get in a private hire instead of a Hackney? All they want is to get where they want to be. I think that they just care if it is a legal taxi (in which case the plates on the rear and in the window should suffice). We operate Mercedes E Class vehicles costing about £35,000 brand new and then we have to put massive stickers on the doors....some of our customers will not use us if we send vehicles with massive stickers on them (so we have to pay an extra amount of money for an executive plate....where we actually get less for our money???? Is this really necessary?

**Q3: What are your thoughts regarding Private Hire Operator licences?**

I do feel like the industry are being asked to spend more and more every year with additional measures being introduced (medicals, dsa test, crb etc) and the level of service being delivered by the (overworked) and ever decreasing team in taxi licensing is understandably getting worse. This is not reflected in the amount of money that operators are being asked to pay for their licenses.

**Q4: What are your thoughts regarding the driver application process. With particular regard to medicals, knowledge tests and English language tests.**

My opinion on medicals is that they are a waste of evryones time and money. The only people benefitting from this are the doctors surgeries who issue the medical at costs of up to £145. I have had 2 drivers have massive heart attacks less than 2 weeks after being passed on a medical. I have had another driver who was asked by the doctor "are you fit to drive" he said yes and she ticked all the boxes. How is this safeguarding the public? Does the council EVER contact the surgery to check if these medicals are even genuine? What is to stop any operator just getting a stamp made up for a doctors surgery, stamping and signing a medical form and submitting it? How can you be sure that the surgery on the medical is even the drivers surgery? It is just an extra cost and more red tape in an over complicated process. Why not just self cert? It is probably equally as effective. Knowledge tests. Is there now such a thing? When I did my test it was using a map that was at least 5 years out of date and it had roads that had been pedestrianised on there as accessible, among other issues. There should be a knowledge test but it needs to be relevant to the areas in which the drivers will be operating. There's no point in asking a Buckingham based driver how to go from Fairford Leys to Bedgrove for example. As for Language tests, I cannot see how this is even up for discussion, if someone cannot speak or read the English language then how can they safely transport passengers? If a medical situation or accident happened how would they best communicate for their own or the passengers wellbeing? Written English is irrelevant but surely reading and speaking the language is an absolute necessity? Not to mention the fact that on so many occasions drivers take passengers the wrong route due to not understanding where they are being asked to go. Is this a good level of service?

**Q5: What are your thoughts on enforcement in particular the penalty points system and the policy on criminal conduct and unacceptable behaviour (the "fit and proper" test)**

I have no issue with regards to penalty points system. If people have

**Q6: Do you have any other comments you would like to make? We would like to hear your thoughts and suggestions to help shape the future of taxi and private hire licensing**

*Respondent skipped this question*

## Aylesbury Private Hire Association

21<sup>st</sup> June 2016

Dear Peter

Further to the recent disruption caused in Aylesbury town centre by disgruntled taxi and private hire drivers, we have had an opportunity to discuss their grievances.

They feel the council are being too heavy handed without having any regard for the the difficult job they do and without considering the impact that the enforcement has on their livelihood.

Below are some of the points they raised.

- Getting points for what they see as trivial matters such as small scratches and dents on their vehicles. Something that does not deem a vehicle un-roadworthy; Drivers feel that they should not be penalised for or forced to go off the road by having their plate removed.
- Out of date first aid kits – It is not always easy for them to check dates on certain items as they are coded in a way that can be difficult to decode.
- Getting pulled over with passengers in the vehicle surrounded by Police officers and council enforcement officers does not give a good impression. The Drivers feel their reputation is being deliberately marred and they are made to feel like suspected criminals in front of their passengers.
- Getting points for not having stickers or other items that have been requested online and not delivered on time.

We shall be grateful if the council can re-address their enforcement policy as this disrupts our businesses in many ways. Soon as the Drivers become aware that enforcement is taking place, out of fear for getting points on their Taxi License, drivers sign off and disappear leaving a handful of Drivers on the road. This not only impacts the service we provide to our customers but other businesses in town centre suffer as a consequence. We are unable to bring people into the town nor do we have the means to do so without them.

Taxi Drivers are independent drivers and can sign on and off at any time. The majority of the Drivers rent their vehicles from local operators and some things are outside of their control such as the appearance of the vehicle. Whilst we try our best to keep vehicles in a presentable state at all times; it can be difficult especially on Friday/Saturday nights. As an example one operator has recently put on new leather seat covers that cost them £440 and within the first week one of the passengers made a cigarette burn in the covers. Vehicles are kicked and punched by passengers and with little or no support from the Police it makes it very difficult for us to keep the vehicles looking good at all times.

As operators we feel that the current age limits on vehicles are counter productive in that they put undue pressure on us and leave limited funds to purchase new vehicles in turn.



Thus operators tend to extend the vehicles life longer than they would if the age limits were lowered and they would be able to purchase new vehicles that may be older than 6 years but in far better condition. Its not that we say there should be no limit at all but a new vehicle that is eight years old or so could be purchased at a far lower cost that would be in a far better condition and would make it significantly easier for us to purchase it as replacement vehicle. The general view is that if the age limit was lowered then operators would themselves be inclined to purchase luxury models.

As a comparison please see the images below:

Which vehicle would the council rather see on the road?

8 Years old Mercedes Benz E Class or the second image 6 years old Skoda Octavia




**Mercedes-Benz E Class 2.1 E250 CDI BlueEFFICIENCY SE 4dr** **£6,980**  
**LONG MOT, LEATHER, WARRANTY** Trade seller, distance: 29 miles  
**2010 (59 reg) | Saloon | 165,000 miles | Manual | 2.1L | 201 bhp | Diesel**  
 MOT OCT 2016, HEATED BLACK LEATHER, F/R PARK AID, WARRANTY, HPI CLEAR, Automatic Climate Control - Two -Zone, Heated Front Seats, Parktronic with Advanced Parking Guidance (Parking ...

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**Mercedes-Benz E Class 2.1 E220 CDI Avantgarde 4dr** **£6,983**  
**BLACK LEATHER CRUISE ESP** Trade seller, distance: 141 miles  
**2009 (58 reg) | Saloon | 86,885 miles | Automatic | 2.1L | 170 bhp | Diesel**  
 \* BUY THIS CAR ON FINANCE AND MAKE YOUR FIRST PAYMENT IN 2 MONTH'S TIME, Upgrades - Leather Seating, 15 months warranty, Black Full leather interior, Standard Features - Climate ...






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**Skoda Octavia 2.0 TDI CR vRS DSG 5dr** **£6,995**  
**DIESEL, 170 BHP** Trade seller, distance: 56 miles  
**2012 (62 reg) | Estate | 112,460 miles | Automatic | 2.0L | 170 bhp | Diesel**  
 Inspected By AA And 3 Months AA Warranty., Next MOT due 11/08/2016, Good bodywork, Interior - Good Condition, SILVER, Very Economical, 47 MPG, Great Performance, 170 BHP, 12 Months ...

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**Skoda Octavia 1.6 TDI CR GreenLine II 5dr** **£6,995**  
**1 OWNER & FULL HISTORY** Trade seller, distance: 63 miles  
**2012 (12 reg) | Estate | 63,000 miles | Manual | 1.6L | 104 bhp | Diesel**  
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There are a number of other issues that we would like to raise and discuss. Drivers causing disruptions is not good for our businesses but we do feel they do get a raw deal.

Yours sincerely

Private Hire Association

## Mary Ney: Freeing Rotherham's taxi trade from links with abuse has provided lessons for all councils

19 May, 2016 [Mary Ney](#)



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- [Comment](#)

The [Jay Report](#) identified a link between child sexual exploitation in Rotherham and the taxi trade.

The [Casey Report](#) described weaknesses in Rotherham's corporate governance, including within taxi licensing, which gave rise to public safety concerns. There was a significant loss of public confidence and the trade's reputation was poor.

The government intervention that followed placed all licensing decisions in the hands of the commissioners who, with the council, then began establishing new policies and practices.

Licensing authorities must ensure vehicles' roadworthiness and the fitness of drivers. The occupation is exempt from the Rehabilitation of Offenders Act 1974 and eligible for enhanced Disclosure and Barring Service checks. The police may make disclosures to licensing authorities under the Common Law Police Disclosures arrangements.

In Rotherham, we now have a policy that sets high standards for vehicles and private hire operators and sets out how the 'fit and proper' test must be applied to drivers. In the absence of a legal definition of 'fit and proper', we have adopted the standard of whether you would allow any person you care for to get into a vehicle with a particular driver alone.

This is accompanied by detailed guidance on how we will judge criminal records, motoring convictions, previous police investigations and charges, complaints and information we may hold or receive from other agencies. Although each case will be treated on its merits, we have emphasised the need to consider overall offending history and habitual disregard for the law. We have lengthened the period for which we expect drivers to have been free from conviction; for instance,

ten years for violent offences or five years for offences involving dishonesty, refusal of a licence for sexual offences. These standards are higher than in many licensing policies.

We put in place new driver requirements. Drivers must now take the BTEC certificate, 'Introduction to the Role of the Professional Taxi and Private Hire Driver', a local knowledge test, and complete the council's safeguarding course, which includes awareness of child sexual exploitation. They must subscribe to the DBS online update service, which notifies us of changes to their criminal records, adhere to standards on vehicle age and testing, and install cameras in taxis.

This last requirement will not be found in most councils' policies. In Rotherham, it has been particularly welcomed by abuse survivors and is key to ensuring the public feel safe.

- [More from Mary Ney](#)
- [More expert comment from LGC. Hundreds of articles](#)

The cameras must provide encryption of data and video recording at all times, and audio recording if an unaccompanied child is in the vehicle. The council is the data controller and has produced detailed protocols on downloading data and undertaken a privacy impact assessment to meet the expectations of the Surveillance Camera and Information Commissioners. Data will be held for a limited period and only downloaded in certain circumstances, such as in the event of a complaint.

We audited all drivers' records, which revealed that 47% of drivers had a criminal record or motoring conviction. Whilst the majority only had minor motoring or juvenile convictions, we identified 67 drivers (around 6%) who might not have met our new standard. They had the opportunity of a hearing and only around a third have retained their licence.

Auditing existing drivers was new territory but we could not rebuild public confidence until all drivers met the new standard. This meant some drivers, whose criminal records had not changed since they were licensed under the old policy, lost their licences. We now have appeals to the Magistrates Court, which have yet to be heard but will establish the legitimacy of our approach.

We are also improving the licensing service and the decision-making process. This includes improved investigations and enforcement, new standards of reporting to the licensing board, new arrangements for hearings (including recording), and much fuller statements of hearing outcomes and reasons for decisions.

We have transformed the arrangements for exchanging information between licensing, the police and social care services. The council has used its wider enforcement powers to help tackle areas where risk of child sexual exploitation has been identified, and complaints from social workers about the behaviour of individual drivers has been followed through, with credibility given to young people's voices.

As the commissioner holding the council's decision-making powers on licensing I have heard nearly 150 licensing cases over the last 15 months. I suspect the range of cases and the potential for public safety risks would be replicated in many councils. Rotherham's robust approach provides lessons that others may wish to consider. That will provide some assurance that the taxi trade cannot so easily be used in the future by those intent on exploiting children.

*Mary Ney, commissioner, Rotherham MBC*

## REVIEW OF DELEGATIONS RELATING TO TAXI AND PRIVATE HIRE LICENSING MATTERS

### 1 Purpose

- 1.1 To seek the authority of the Licensing Committee to change delegations relating to taxi and private hire licensing matters.

### 2 Recommendations/for decision

- |   |
|---|
| <ol style="list-style-type: none"><li>2.1 To agree to authorise the Licensing Officers and the Licensing Manager, in consultation with the Chairman, or in his/her absence the Vice-Chairman of the Licensing Committee to refuse applications for, or suspend or revoke existing hackney carriage and private hire licences.</li></ol> |
|---|

### 3 Supporting information

- 3.1 In 2010 Licensing Committee agreed to authorise the Licensing Manager, in consultation with the Chairman of Licensing Committee to have the delegated power to refuse applications and suspend and revoke existing licences. This was introduced to afford greater flexibility and speed in respect to this aspect of decision making. In practice it has worked effectively and successfully. Decisions to impose a regulatory sanction have been sound and robust and, to date, never overturned on appeal.
- 3.2 Nevertheless the process of refusing, suspending and revoking a licence can be time consuming, particular if the decision is subsequently subject to appeal. On those occasions the Licensing Manager, as the officer responsible for the decision becomes the key witness for the Council. Effectively the Licensing Manager has to prepare a detailed statement and pull together all relevant evidence and of course attend court.
- 3.3 In recent years with a changing climate in taxi licensing the use of regulatory sanctions has increased. In addition the Deregulation Act introduced in October last year has significantly changed the rules relating to cross border hiring and as a consequence Aylesbury's taxi licensing service has seen a five fold increase in driver applications between April 2015 and April 2016.
- 3.4 In order to meet this very significant demand the taxi licensing team has had to increase its administrative and enforcement resources and structure itself effectively to ensure an efficient processing service but also one that is robust and strict. In order to meet the demand the delegated power to refuse, suspend and revoke licences needs to be extended to more officers.
- 3.5 It is proposed that these powers be delegated to the existing Taxi Licensing Officers, of which there are currently two. In practice their decision making will be in conjunction with the Licensing Manager to ensure consistency and a level of experience to the decision and, in the case of more controversial decisions the Licensing Manager will undoubtedly lead. However this will ensure that the taxi licensing team have sufficient resource and resilience.

### 4 Options considered

- 4.1 An alternative involving the Licensing Officer in consultation of the Licensing Manager was considered. However practical experience has shown

involvement of the Chairman of Licensing Committee has added a degree of scrutiny to the decision.

**5 Reasons for Recommendation**

- 5.1 To ensure the taxi licensing team can meet the current and future demand, particularly in relation to regulatory sanctions.

**6 Resource implications**

- 6.1 None

Contact Officer	Peter Seal 01296 585083
Background Documents	None

## **REPORT ON THE INTRODUCTION OF AN ADDITIONAL CONDITION TO THE STREET TRADING CONSENT HELD BY PAULA'S PETALS**

### **1 Purpose**

- 1.1 For Members to agree a new condition to the street trading consent held by Paula's Petals.

### **2 Recommendations/for decision**

- |  |
|--|
| 2.1 To agree that a new condition, as set out in paragraph 3.7v be added to the street trading consent held by Mrs P Clarke, trading as Paula's Petals which will effectively enable the Market Manager to ensure compliance on market days. |
|--|

### **3 Supporting information**

- 3.1 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Aylesbury Vale District Council has designated certain areas of Aylesbury town centre as 'Consent Streets'. The effect of this is that in order for a trader to trade in those areas lawfully, a Street trading Consent is necessary. Such a system is designed to control itinerant traders as trading without consent is illegal. Over the years since the establishment of the consent streets trading pitches have been designated for both daytime and evening trading.
- 3.2 A long standing pitch held by the florist, Mrs P Clarke trading as Paula's Petals is situated in the Market Square adjacent to the Clock Tower and on non-market days provides colour and interest to the square. On market days, although continuing to trade under the auspices of a Street Trading Consent Paula's Petals trades alongside market traders who are under the management and control of the Town Centre Manager and Market Manager.
- 3.3 The Town Centre Manager took control of the market during the latter part of 2012 and has made significant changes. The terms and conditions for market traders was re-written to address issues such as attitude and behaviour and stricter controls introduced in respect to the sale of products. Market traders are now authorised to trade under licences which they have to display and thus demonstrate to the public that they have been vetted and are under strict management. In addition new stalls and covers were provided and the layout of the market re-designed to permit fairness and make it more aesthetically pleasing. The Tuesday 'bric-a-brac' market has been replaced by a vintage and craft market.
- 3.4 Paula's Petals has been trading in the Market Square for many years under the authority of a street trading consent, rather than the rules and regulations covering market traders. Such an arrangement is appropriate as she trades six days a week as opposed to the four days that the market trades. However as far as the general public are concerned and indeed other market traders Paula's Petals is, on the face of it, another market trader on market days.
- 3.5 Mrs Clarke has cooperated with the various changes to the market introduced in recent years. However the Town Centre Manager has suggested that on market days the day to day management of this particular street trading pitch

come under the control of the Market Manager. Although not subject to the same terms and conditions applied to market traders, it would enable the Market Manager to exercise an element of control and flexibility necessary when managing a market. It would also improve the general trade relations as the current inconsistent management of market traders and Paula's Petals has caused some resentment in the past.

- 3.6 This proposal has been set out in writing to Mrs Clarke and she has been given the opportunity to comment. At the time of writing this report she has not made any representation.
- 3.7 It is therefore recommended that an additional condition be added to the existing consent conditions for this particular pitch as follows. ***During Market Days the Consent Holder will comply with any reasonable request made by the Market Manager in respect to both compliance with the conditions of their consent and any alteration of the trading area to ensure its compatibility with the overall Market. Failure to comply with any reasonable request of the Market Manager will be construed as a breach of the Street Trading Consent. In any event the Consent Holder must comply with all Aylesbury Vale District Council policies.*** For completeness, attached as Appendix 1 is a copy of the current conditions attached to the Street Trading Consent.

#### **4 Options considered**

- 4.1 None.

#### **5 Reasons for Recommendation**

- 5.1 To improve the general day to day management of the market.

#### **6 Resource implications**

- 6.1 None

Contact Officer	Peter Seal 01296 585083
Background Documents	None



## **Appendix 1**

### **Schedule of Conditions for Consent 3**

#### **MARKET SQUARE, AYLESBURY**

1. This Consent is granted between the hours of 7.30am and 5.45pm.
2. The Consent Holder shall not operate in such a way as to cause obstruction to the public highway or area to which the public has access.
3. The Consent Holder shall not operate their undertaking in such a way as to cause nuisance or annoyance.
4. The Consent Holder shall ensure that the surface of the public highway or any area of the consent street to which the public has access is not damaged in any way as a result of their undertaking.
5. The van, car, barrow or other vehicle or portable stall hereby permitted shall be stationed only within the area of the consent street marked 3 on the attached plan.
6. The van, car, barrow or other vehicle or portable stall shall be removed from the consent street at the end of the time specified by Condition 1.
7. The Consent Holder shall ensure that there is no discharge of waste from the van, car, barrow or other vehicle or portable stall onto the public highway or area of the consent street to which the public has access.
8. An adequate number of refuse bins must be provided for the disposal of litter and shall be placed only within the area of the consent street marked 3 on the attached plan.
9. All rubbish and litter generated as a result of the operation of this Consent must be removed from the consent street at the end of the time specified in Condition 1.
10. The appearance and dimensions of the van, car, barrow or other vehicle or portable stall shall be maintained as on the consent unless otherwise agreed in writing by the Licensing Services Manager.
11. The consent holder and staff shall co-operate with all council officials and observe appropriate standards of propriety particularly when in public.
12. The Consent Holder shall comply with any reasonable request from the Council to maintain the security of the Market Square and prevent unauthorised parking on the square.

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